

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TRUSTEES OF THE PLUMBERS AND
PIPEFITTERS NATIONAL PENSION FUND,
TRUSTEES OF THE U.A. UNION LOCAL NO.
290 PLUMBER, STEAMFITTER, AND
SHIPFITTER INDUSTRY PENSION TRUST;
TRUSTEES OF THE U.A. UNION LOCAL NO.
290 PLUMBER, STEAMFITTER, AND
SHIPFITTER INDUSTRY HEALTH AND
WELFARE TRUST; TRUSTEES OF THE U.A.
UNION LOCAL NO. 290 PLUMBER,
STEAMFITTER, AND SHIPFITTER INDUSTRY
RETIREE HEALTH TRUST; TRUSTEES OF THE
UNITED ASSOCIATION LOCAL NO. 290
APPRENTICESHIP AND JOURNEYMEN
TRAINING TRUST FUND; TRUSTEES OF THE
INTERNATIONAL TRAINING FUND;
TRUSTEES OF THE U.A. UNION LOCAL NO.
290 PLUMBER, STEAMFITTER AND
SHIPFITTER INDUSTRY VACATION,
SCHOLARSHIP, AND EDUCATIONAL
REIMBURSEMENT TRUST; TRUSTEES OF THE
PLUMBING AND PIPING MANAGEMENT
TRUST FUND; TRUSTEES OF THE U.A. UNION
LOCAL NO. 290 PLUMBER, STEAMFITTER,
AND SHIPFITTER INDUSTRY LABOR
MANAGEMENT COOPERATION TRUST; and
PLUMBERS, STEAMFITTERS AND MARINE
FITTERS LOCAL NO. 290,

Plaintiffs,

v.

REDSIDE PLUMBING LLC,

Defendant.

Case No.: 3:22-cv-01989-AR

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Jeff Armistead issued Findings and Recommendation in this case on September 1, 2023. Judge Armistead recommended that this Court grant the above-named plaintiffs' (collectively, "Trustees") Motion for Default Judgement under Federal Rule of Civil Procedure

55(b). No party has filed objections.

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

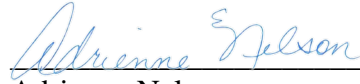
Because no party in this case has made objections, this Court reviews Judge Armistead's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS Judge Armistead's Findings and Recommendation, ECF [14]. The Court awards the following in damages:

1. Against Redside on Claim One: \$32,009.90 in fringe benefit contributions and union dues, \$3,252.79 in liquidated damages, and \$3,259.40 in interest calculated through June 30, 2023, with interest continuing to accrue on the amount of unpaid fringe benefit contributions (\$30,507.10) at the rate of twelve percent annually from July 1, 2023, through the entry of judgment, and interest continuing to accrue on the dues owed to the Union (\$1,502.80) at the rate of nine percent annually from July 1, 2023, through entry of judgment; plus \$1,147.02 in interest and liquidated damages due to late-paid fringe benefit contributions and union dues for February and March 2023;
2. Against Redside on Claim Two: \$2,767.50 in attorney fees and \$877.52 in court costs to plaintiffs.
3. The right to conduct future payroll examination of Redside's books and records to ensure compliance with fringe benefit and union due payment compliance, and to

institute legal proceedings to recover any delinquent contributions and union dues,
plus attorney fees and costs.

IT IS SO ORDERED.

DATED this 17th day of October, 2023.


Adrienne Nelson
United States District Judge